

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SCOTT JOHNSON,
Plaintiff,

v.

SILICON VALLEY GLADIOLUS
CAPITAL, LLC, et al.,
Defendants.

Case No.17-cv-07185-VKD

**SECOND ORDER TO SHOW CAUSE
RE SETTLEMENT**

The Court has been informed that the parties have settled this dispute for the second time.
See Dkt. Nos. 33, 41.

On or before **February 15, 2019**, the parties shall file a stipulated dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(ii). Rule 41(a)(1) permits a plaintiff to voluntarily dismiss a case without a court order (i) by notice if the defendants have not filed an answer or motion for summary judgment, or (ii) by stipulation signed by all parties who have appeared. Because defendants have filed an answer, plaintiff must file a stipulated dismissal pursuant to Rule 41(a)(1)(ii).

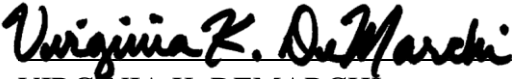
If a dismissal is not filed by the specified date, then the parties shall appear in Courtroom 2, 5th Floor, 280 South First Street, San Jose, California on **February 26, 2019, 10:00 a.m.** and show cause, if any, why the case should not be dismissed pursuant to Fed. R. Civ. P. 41(a). Additionally, the parties shall file a statement in response to this Order to Show Cause no later than **February 19, 2019** advising as to (1) the status of the activities of the parties in finalizing settlement; and (2) how much additional time, if any, is requested to finalize the settlement and file the dismissal. If a dismissal is filed as ordered, the Order to Show Cause hearing will be automatically vacated and the parties need not file a statement in response to this Order.

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The mediation deadline set for February 11, 2019 is hereby VACATED. The initial case management conference set for **February 26, 2019 at 1:30 p.m.** remains on calendar unless and until the parties file a stipulated dismissal.

IT IS SO ORDERED.

Dated: January 2, 2019


VIRGINIA K. DEMARCHI
United States Magistrate Judge